

#39

Attorney Docket No. 20720-95592

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence and fee is being facsimile transmitted to the Office of
Petitions, Patent and Trademark Office (Fax No. (703) 308-6916) on October 15, 1999.

Peter J. Manso
Name of person signing this paper or fee

October 15, 1999
Date


Signature of person signing this paper or fee

In re Application of: Dave Bova
Serial No.: 08/368,378
Filing Date: January 14, 1995
Group Art Unit: 1615
Batch No.: V45
Examiners: J. Venkat
Title: *Nicotinic Acid Compositions for Treating Hyperlipidemia and
Related Methods Therefor*

Attn: Office of Petitions
Assistant Commissioner of Patents
Box DAC
Washington, D.C. 20231

Dear Sir:

**TERMINAL DISCLAIMER TO ACCOMPANY PETITION TO REVIVE ABANDONED
APPLICATION UNDER 37 CFR §1.137 (c)**

Kos Pharmaceuticals, Inc. ("Kos") is the owner of 100% interest in the above-identified application by virtue of an assignment and/or obligation of the inventors named therein to assign said application to Kos as a result of their employment agreement with Kos. Kos hereby disclaims a terminal part of the term of the patent equivalent to the period of abandonment of the above-identified application. This terminal disclaimer applies to any patent granted on the above-identified application or on any application that contains a specific reference under 35

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PETITIONS OFFICE

U.S.C. §120, §121 or §365(c) to this application. This disclaimer is binding upon the grantee, its successors or assigns.

The undersigned attorney is the attorney of record.

Respectfully Submitted,


Peter J. Manso
Reg. No. 32,264

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